

### **REMARKS**

Applicants respectfully request reconsideration of the instant application in view of the foregoing amendments and the following remarks. Claims 1-38 are currently pending in the application. Claims 39-67 have been previously withdrawn. Claims 1 and 12 have been amended. Applicants submit that no new matter has been added by way of the Amendment.

#### **Claim Rejections - 35 U.S.C. § 102**

Claims 1-38 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Brown, US Patent No. 5,794,219 ("Brown"). However, Applicants submit that the pending claims are not anticipated by the cited reference.

Independent claim 1 recites *inter alia*:

A method for facilitating a transaction between a buyer and one seller, the method comprising...

receiving an offer which specifies a type of product or service, at least one condition, and an offer price specified by a buyer, wherein the type of product or service identified in the offer specifies a category of products or services for use by the seller to select a specific product or service to satisfy the offer's at least one condition....

Applicants respectfully submit that cited reference does not teach, disclose or suggest receiving an offer specifying a type of product or service and at least one condition, wherein the type of product or service specifies a category of products or services for use by the seller to select a specific product or service to satisfy the offer's at least one condition, as recited in independent claim 1.

The Examiner asserts that "Brown discloses a method for facilitating a transaction between a buyer and one seller comprising: receiving an offer which species a type [of] product, at least on condition and an offer price specified by a buyer (36; 62);) (See, Office

Action, page 2, ¶ 3-4).

Applicants submit that neither Brown's "registration message 36", nor "bid amount 62" anticipate the elements recited in independent claim 1. More specifically, Brown discusses, "Registration message 36 includes bidder name 44 and bidder identification number 50." (See, Brown, Col. 6, lines 9-10). However, Brown's bids do not include either a "type of product or service" or "at least one condition," as recited in independent claim 1.

Moreover, Brown discusses bids in the context of an online bid entry system. For example, Brown states, "Fig. 6 illustrates the details of bid entry form 76. Form 76 includes a block 70 showing a graphical picture 72 and a description of a current item being auctioned." (See, Brown, Col. 6, lines 25-28). Brown's bid entry system does not facilitate accepting an offer that specifies a "type of product or service" or "at least one condition," as recited in independent claim 1. Further, Brown's system does not facilitate accepting an offer that includes a "type of product or service" that specifies "a category of products or services for use by the seller to select a specific product or service to satisfy the offer's at least one condition," as recited in independent claim 1. Instead, Brown's system simply discusses accepting a bid on a specific product - which shows the bidder "a graphical picture 72 and a description 74 of a current item being auctioned." (See, Brown, Col. 6, lines 25-28).

In summary, Applicants submit that Brown's specific "current item" being bid on by the buyer does not anticipate the claimed offer. More specifically, Applicants submit that Brown's bids do not anticipate the claimed offer that specifies a type of product or service and at least one condition or the type of product or service specifying a category for use by the seller to select a specific product or service to satisfy the offer, as recited in independent claim 1.

**CONCLUSION**

For at least this reason, Applicants submit that amended independent claim 1 is patentably distinct from the cited reference. Applicants submit that amended independent claim 12 is also patentably distinct from the cited reference for at least a similar reason. Moreover, Applicants submit that claims 2-11 and 13-39, which are directly or indirectly dependent on independent claims 1 or 12 respectively, are also patentably distinct from the cited reference for at least a similar reason. Therefore, Applicants respectfully request withdrawal of this ground of rejections.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 17200-480. In the event that an additional extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17200-480.

Respectfully Submitted,  
CHADBOURNE & PARKE, L.L.P.

BY:



Daniel C. Sheridan  
Registration No. 53,585

Date: March 7, 2006

**Address:**

Chadbourne & Parke, L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112  
212-408-5100 Telephone  
212-541-5369 Facsimile